

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAMRIA C. THEMA,

Plaintiff,

v.

Case No. 10-15169
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION
ON CROSS-MOTIONS FOR SUMMARY JUDGMENT
and DISMISSING ACTION

This matter is before the Court on Magistrate Judge Mona K. Majzoub's Report and Recommendation [**Docket No. 17, filed July 6, 2012**]. To date, no objections to the Report and Recommendation have been filed and the time to file such has passed.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986) (quoting *Baker v. Heckler*, 730 F.2d 1147, 1150 (8th Cir. 1984)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. This Court does not have the authority to reweigh the factual evidence before the ALJ if the ALJ's decision is supported by substantial evidence. The Court agrees with the Magistrate Judge that the ALJ properly considered Plaintiff's medical records and findings reported by Plaintiff's treating physicians in reaching a decision. The Court also agrees that there is nothing in the record that conflicts with the ALJ's findings. The Court further agrees with the Magistrate Judge that the ALJ properly relied on the vocational expert's testimony regarding the type of environment Plaintiff could work in given her limitations to perform certain tasks. Furthermore, the Court agrees with the Magistrate Judge that the ALJ appropriately utilized the vocational expert's testimony and Plaintiff's medical records as substantial evidence to deny Plaintiff's disability claim.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Mona K. Majzoub [**Doc. No. 17, filed July 06, 2012**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Docket No. 12, filed August 11, 2011**] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [**Docket No. 15, filed November 01, 2011**] is **GRANTED**. The Commissioner's decision is **AFFIRMED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

Dated: August 30, 2012

S/Denise Page Hood
United States District Judge

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I hereby certify that a copy of the foregoing document was served upon counsel of record on August 30, 2012, by electronic and/or ordinary mail.

S/Sakne Srour for LaShawn R. Saulsberry
Case Manager